

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTIGONOS SHIPPING LIMITED,

Plaintiff,

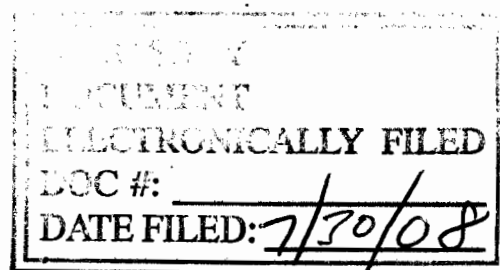
- against -

C & MERCHANT MARINE CO. LTD. a/k/a  
C and MERCHANT MARINE CO. LTD. f/k/a  
SEYANG SHIPPING CO. LTD.,

Defendant.  
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08 CV 6201 (GEL)

ECF CASE



**CONSENT TURN OVER ORDER OF ATTACHED PROPERTY**

IT IS HEREBY STIPULATED AND AGREED between the parties as follows.

Whereas the Plaintiff, Antigonos Shipping Limited ("Plaintiff"), and the Defendant, C & Merchant Marine Co. Ltd. ("Defendant") have agreed to settle their disputes concerning a charter party concluded on or about March 28, 2008,

Whereas Plaintiff and Defendant have settled their dispute and Defendant has agreed to pay to Plaintiff the sum of \$185,671.04 in full and final settlement of the aforesaid claim; and

Whereas pursuant to Supplemental Admiralty Rule B of the Federal Rules of Civil Procedure, on or about July 8, 2008 Plaintiff obtained from the Court an Ex Parte Order of Maritime Attachment together with Process of Maritime Attachment and Garnishment that authorized the attachment of Defendants' property with the Southern District of New York in an amount up to \$290,368.71; and

Where on or about July 11, 2008 garnishee J.P. Morgan Chase Bank, acting pursuant to the Ex Parte Order of Maritime Attachment and Garnishment, restrained and attached Defendant's property in the amount of \$290,368.71; and

Whereas Plaintiff and Defendant have agreed that Defendant will fund the \$185,671.04 settlement to Plaintiff from the funds currently held under attachment by garnishee J.P. Morgan Chase Bank;

Whereas Plaintiff and Defendant have agreed that \$185,671.04 of Defendant's attached funds should be wired via electronic funds transfer by garnishee J.P. Morgan Chase Bank to Plaintiff's undersigned counsel or direct to Plaintiff pursuant to remittance instructions to be furnished to J.P. Morgan Chase; and

Whereas, once the \$185,671.04 settlement payment has been received into LENNON, MUPRHY & LENNON, LLC's client escrow account or into Plaintiff's account, whichever account is designated by the undersigned counsel, the balance of all of Defendant's funds are to be released to Defendant pursuant to the following wire remittance instructions: and

Once all of Defendant's funds have been released by garnishee J.P. Morgan Chase this action is to be dismissed pursuant to a Notice of Voluntary Dismissal filed by Plaintiff;

NOW, IT IS HEREBY ORDERED that garnishee J.P. Morgan Chase Bank shall effect an electronic funds transfer of \$185,671.04 of Defendant's funds that they are holding under attachment pursuant to the Ex Parte Order of Maritime Attachment and Process of Maritime Attachment and Garnishment issued in this action pursuant to remittance instructions to be furnished by LENNON, MURPHY & LENNON, LLC;

IT IS FURTHER HEREBY ORDERED that garnishee J.P. Morgan Chase Bank shall effect an electronic funds transfer of the balance of all of Defendant's funds, plus any interest thereon, that they are holding under attachment pursuant to the Ex Parte Order of Maritime Attachment and Process of Maritime Attachment and Garnishment issued in this action pursuant to the following wire remittance instructions :

KOREA EXCHANGE BANK SOGONGDONG BRANCH

ACCT : 029-JCD-100185

IN FAVOUR OF CN MERCHANT MARINE. CO., LTD

; and

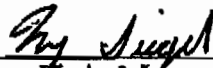
IT IS FURTHER ORDERED that the electronic funds transfers by garnishee J.P. Morgan Chase Bank to fund the settlement, in the amount of \$185,671.04, not including any bank fees which shall be for Defendant's account, if any, shall be immune from any attachment in the district after those funds are released by J.P. Morgan Chase Bank en route to either LENNON, MURPHY & LENNON, LLC's client escrow account or the Plaintiff's account, whichever is designated by undersigned counsel;

IT IS FURTHER ORDERED that the electronic funds transfers by garnishee J.P. Morgan Chase Bank to release the balance of the Defendant's funds (\$290,368.71 less \$185,671.04 less bank fees, if any, *plus* any accumulated interest ) shall be immune from any attachment in the district after those funds are released by J.P. Morgan Chase Bank en route pursuant to wire remittance instructions set forth hereinabove;

IT IS FURTHER HEREBY ORDERED that promptly after LENNON, MURPHY & LENNON, LLC receives confirmation that the \$185,671.04 settlement payment has been received into its client escrow account, or received directly by the Plaintiff into its account, the Plaintiff shall file a Notice of Voluntary Dismissal in this action.

Dated: July 29, 2008  
New York, NY

ANTIGONOS SHIPPING LIMITED

By:   
Kevin J. Lennon  
Patrick F. Lennon  
Nancy R. Siegel

LENNON, MURPHY & LENNON, LLC  
The Gray Bar Building  
420 Lexington Ave., Suite 300  
New York, NY 10170  
(212) 490-6050  
Facsimile (212) 490-6070


Dated: July 29, 2008  
Seoul, South Korea

C & MERCHANT MARINE CO. LTD.

By: MR. JIN KYU MOH

Title: Manager  
Room, 1405, Janggyo Building  
1 Changgyo-dong, Chung-gu  
Seoul, South Korea

I, JIN KYU MOH, declare under penalty of perjury that I am authorized and empowered to sign/bind C & MERCHANT MARINE CO. LTD. to this Consent Turn Over Order.



SO ORDERED

  
GERARD E. LYNCH, U.S.D.J.

7/30/08

**C& C & MERCHANT MARINE CO., LTD.**  
16TH FL, CHANGGYO BLDG., 1, CHANGGYODONG, CHUNG-KU, SEOUL, KOREA  
TEL: +82-2-3706-6974 FAX: +82-2-774-2801

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Re: Antigonos Shipping Limited v. C & Merchant Marine Co. Ltd.  
a/k/a C and Merchant Marine Co. Ltd. f/k/a Seyang Shipping Co. Ltd.  
Docket Number: 08 Civ. 6201(GEL)

Defendant, C & Merchant Marine Co. Ltd., hereby instructs Plaintiff Antigonos Shipping Limited's counsel, Lennon, Murphy & Lennon, LLC to carry out the settlement agreement (concerning the claim of Antigonos Shipping Limited against C & Merchant Marine Co. Ltd.) between C & Merchant Marine Co. Ltd. and Plaintiff by instructing garnishee bank J.P. Morgan Chase Bank to release C & Merchant Marine Co. Ltd.'s funds, up to and including \$185,671.04, to Lennon, Murphy & Lennon, LLC's client escrow account as the full and final settlement amount in relation with this case.

All further funds, including any accumulated interest thereon, shall be released by garnishee bank J.P. Morgan Chase Bank to C & Merchant Marine Co. Ltd. as per the following instructions:

KOREA EXCHANGE BANK SOGONGDONG BRANCH  
ACCT: 029-JCD-100185  
IN FAVOUR OF CN MERCHANT MARINE. CO., LTD

Dated: July 29, 2008

C & Merchant Marine Co. Ltd.

By: 

Title: Manager  
Room, 1405, Janggyo Building  
1 Changgyo-dong, Chung-gu  
Seoul, South Korea